March 28, 1969

The Honorable Richard G. Kleindienst
Deputy Attorney General of the United States
Department of Justice
Washington, D.C.

Dear Mr. Kleindienst:

I attempted to get an appointment with you this week and shall try again next week to discuss with you personally a matter of great importance to the Justice Department's efforts to combat organized crime. What I hope to discuss with you arises primarily out of my experience as unpaid defense counsel in the case of United States v. James Miller.

A few weeks ago, the Court of Appeals for the Second Circuit reversed Miller's conviction. I have just been informed that a decision whether to retry Mr. Miller is likely to be made next week. Since I have already produced in open court a mountain of evidence proving Miller's innocence, I am confident that the Department will decide to dismiss the case. My confidence in the good sense of the Department has frequently been disappointed in the past, however, and I cannot be certain that it will meet a different fate this time.

I will not go into detail in this letter. I merely offer the firm prediction that if the Department of Justice announces an intention to reprosecute Mr. Miller, it will have acted irresponsibly, will have made a decision which it will later wish to reverse, and will be embarrassed in the public forum when the facts are revealed. Some members of the previous administration were greatly embarrassed by their shockingly inadequate investigation of the Miller case and tried desperately to cover up their mistakes. The consequence was not merely that an innocent man was practically ruined, but that the guilty parties -- some of them acknowledged by the Department itself to be among the most important narcotics traffickers in the country -- have been defended and protected by the United States Government while pursuing their grisly business.

An uncommitted Department of Justice will want to dismiss the Miller case after an unbiased review of the facts and will pursue rather than protect Mario Natalizio, Anthony DiPasqua, Rosario Ippolito and the other smugglers who committed the crime.

I implore you to request that no decision to go forward in a retrial of James Miller is made before I get a chance to explore the details and the

implications of the case (including the guilt of the persons named above) with you personally.

Sincerely,

Steven Duke

SD/jnf
Enclosures